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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/085,489	02/26/2002	Gary Dommer	65551-011910	4913

7590  
Patent Administrator  
Greenberg Traurig, LLP  
One International Place  
Boston, MA 02110

EXAMINER
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NGUYEN BA, HOANG VU A

ART UNIT	PAPER NUMBER
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2421

MAIL DATE	DELIVERY MODE
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06/08/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/085,489

**Applicant(s)**

DOMMER ET AL.

**Examiner**

Hoang-Vu A. Nguyen-Ba

**Art Unit**

2421

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 03 March 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SF/ICE)  
Paper No(s)/Mail Date 3/3/09
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

1. This action is responsive to Amendment filed March 30, 2009.
2. Claims 1-18 remain pending. Claims 1, 8, 13 are independent claims.

***Information Disclosure Statement***

3. The Office acknowledges receipt of the Information Disclosure Statement filed March 3, 2008. It has been placed in the application file and the information referred to therein has been considered.

***Response to Amendments***

4. Per Applicant's request, Claims 1, 8 and 13 have been amended.

***Response to Arguments***

5. Applicant's arguments have been fully considered but they are moot in view of the new grounds of rejection.

***Claim Rejections – 35 USC § 103***

6. The following is a quotation of the 35 U.S.C. § 103(a) which form the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-18 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,177,931 to Alexander et al. ("Alexander") in view of Japanese Patent Application Publication No. JP-11-008810 by Robarts et al. ("Robarts").

It should be noted that hereinafter the use of the clause "see at least" should be interpreted that the cited portions that follow the clause are not the only portions that are considered to be relevant. Should Applicant find

that the cited portions are not relevant, other portions of the disclosure of the prior art reference will be provided as additional evidence and/or context to the relevancy of the previously cited portions. Since the evidence is from the same reference, the introduction of the additional evidence in response to Applicant's arguments should not therefore be considered to be that of new grounds of rejection.

### **Claims 1, 8 and 13**

Alexander discloses all the features of Claims 1, 8 and 13 and further discloses:

*such that navigation over the second display portion replaces previously displayed data fields in the first display portion with a display of current data fields along the Z-axis from the second display portion* (see at least FIGs. 1, 3, 4A-B, 5, 6, 7, 8; it should be noted that:

- i) grid guide 22 in FIG. 3 is a two-dimensional EPG -- i.e., the claimed first display -- with navigation along the X and Y directions;
- ii) the navigation bar 20 in FIG. 3 is the claimed second display and allows navigation in the Z-axis;
- iii) the navigation from the data field "Grid" to the data field "Sort" changes the data fields in grid guide 22 in FIG. 1 to the data fields in the grid guide 22 in FIG. 7; the clause "navigation over" is interpreted to mean moving the focus (e.g., highlight) on cell labeled "Grid" to cell labeled "Sort"; it is irrelevant whether two actions -- e.g., press the right arrow key 32 then the Select key 42 in FIG. 2 -- are required instead of one action because the claim language does not specifically require that the navigation is performed using only one action -- the navigation along the Z axis is described in the specification to be performed only with a key press --; such a requirement described in the specification should not be read into the claims; if Applicant believes that the requirement of one-key-press navigation from one data field to another is the subject matter of the invention, the requirement should be explicitly recited in the claim.

Alexander does not specifically disclose that the aforementioned navigation over the second display portion is performed *absent any additional selection along the second display portion*

However, in an analogous art, Robarts teaches that a viewer can control a focus frame or highlight bar (FIG. 1, element 24) to choose a type of program from a first pane 22. Robarts

further teaches that a second pane 26 contains a list of programs that are available for the program type highlighted in the first pane 22. As an example, in FIG. 1 of Robarts, the type “business” is **highlighted** (emphasis added by examiner), and hence business-related programs are shown in the second pane 26 (p. 52, 1<sup>st</sup> paragraph). It is noted that the described feature can be an “active” control which is a control that does not require any other action on the part of the user (p. 52, sentence preceding the last one of the page).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to use this known feature in the art described in Robarts in Alexander because the use of the feature would not require a second operation on the part of the user, thereby improving the browsing experience of the user.

#### **Claims 2-7, 9-12 and 14-18**

Rejections of the corresponding base claims are incorporated. For the specific features recited in these claims, see previous Office actions.

#### ***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to Applicant’s disclosure.
9. Applicant’s amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

10. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Hoang-Vu A. Nguyen-Ba whose telephone number is (571) 272-3701. The Examiner can normally be reached on Monday -Friday from 9:00 – 17:30.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's Supervisor, John Miller can be reached at (571) 272-7353.

The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Any inquiry of a general nature or relating to the status of this application should be directed to the TC 2400 Group receptionist: 571-272-2400.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Hoang-Vu Antony Nguyen-Ba/  
Primary Examiner, Art Unit 2421

June 5, 2009